IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3201 of 1995

Between:

Kotte Veeraswamy S/o. Ramanaiah
R/o. No.11 Basti, Near Water Tank, Yellandu, Khammam District

..... PETITIONER

AND

1 Govt. of A.P. rep. by its Secretary, Revenue Department,
Secretariat, Hyderabad.
2 Govt. of A.P. rep. by its Chief Secretary,
Secretariat, Hyderabad.
3 The District Collector,
Khammam.
4 The Special Tahsildar, Land Acquisition,
Manuguru, Khammam District.
5 The Singareni Colleries Company Ltd Rep. by its Managing Director,
Head Office, Kothagudem,
Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be to issue an appropriate writ, order or direction declaring the action of the respondents 1 to 4 herein in acquiring, taking possession of land admeasuring Ac.15.00 situate in S.NO. 548/130/33 of Usirikayalapally Village, Singareni Mandal, Khammam District, in the year 1992 along with other land for the purpose of Singareni Collieries Company Ltd. and not paying compensation as arbitrary, unreasonable and hence violative of the fundamental rights guaranteed to the petitioner under Articles 14 and 21 of the Constitution of India, also violative of the provisions of the Land Acquisition Act and issue a consequential direction to the Respondents 1 to 4 herein to pay compensation for the petitioner's above land or direct the Respondents 1 to 4 herein to demarcate, identify and deliver back the possession of petitioner's above said land to him and pass such other order or orders as are deemed fit and proper in the

circumstances of the case.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondents 1 to 4: GP FOR LAND ACQUISITION

Counsel for the Respondent No.5: MR.K.SRINIVASA MURTHY

The Court made the following:

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ORDER:

This Writ Petition is filed, to declare the action of the respondents 1 to 4 in acquiring and taking possession of the land of the petitioner, admeasuring Ac.15.00 cents , covered by Sy.No. 548/130/33, situated in Usirikayalapally village, Singareni Mandal, of Khammam District, without paying compensation, as illegal and arbitrary.

It is the case of the petitioner that he is the owner of the land admeasuring Ac.15.00 cents , covered by Sy.No. 548/130/33, situated in Usirikayalapally village, Singareni Mandal of Khammam District. It is his case that the said land was acquired by the Government and possession of the said land was handed over to the fifth respondent-Singareni Collieries, but, no compensation was paid on account of the said acquisition. It is stated in the affidavit filed in support of the Writ Petition that he acquired ownership rights by virtue of ownership certificate issued under Section 38-E of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950.

Separate counter affidavits are filed, on behalf of the fifth respondent-Singareni Collieries Company Limited, and, respondents 1 to 4. The respondents have specifically denied acquisition of the land of the petitioner as described above. Though in the counter affidavit filed on behalf of the respondents 1 to 4, it is admitted that the land in Sy.No. 548 was acquired, but, they have denied acquisition of the land of the

petitioner admeasuring Ac.15.00 cents covered by Sy.No. 548/130/33.

I have perused the copy of the ownership certificate, which is granted to the petitioner under Section 38-E of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act 1950. The said certificate is issued for the extent of Ac.15.00 cents covered by Sy.No. 548. Even according to the petitioner, the total extent of the land covered by Sy.No. 548 admeasures more than 100 acres. No sub division was mentioned in the certificate, nor there is any record issued by the competent authority for sub division of the land in the said survey number to the extent where ownership certificate is given to the petitioner. Inasmuch as the land in Sy.No. 548 is more than 100 acres, and, in absence of any boundaries and sub division to the extent of Ac.15.00 cents, for which the petitioner is granted ownership certificate, it is not possible to record a finding, whether the land of the petitioner to the extent of Ac.15.00 cents is acquired or not. In that view of the matter, the relief sought for cannot be granted in this petition. Having regard to the same, I dispose of the Writ Petition permitting the petitioner to approach the competent authority for demarcation and fixation of boundaries of the land covered by ownership certificate. If ultimately it is found that the land of the petitioner covered by Sy.No. 548/130/33, situated in Usirikayalapally village, Singareni Mandal, Khammam District is acquired for the benefit of the fifth respondent, it is open for the petitioner either to approach this Court or take appropriate steps for payment of compensation.

Subject to the above observation, the Writ Petition is disposed of. No order as to costs.

February 21, 2005.

DR/Msnr.

To

1 The Secretary, Govt. of A.P., Revenue Department,
Secretariat, Hyderabad.
2 The Chief Secretary, Govt. of A.P.,
Secretariat, Hyderabad.
3 The District Collector,
Khammam.
4 The Special Tahsildar, Land Acquisition,
Manuguru, Khammam District.
5 The Managing Director, Singareni Collieries Company Ltd,
Head Office, Kothagudem,
Khammam District.

6 2 CCs to Government Pleader for Land Acquisition, High

Court Buildings, Hyderabad. (OUT)

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